

WESTERMANN HAMILTON SHEEHY AYDELOTT & KEENAN, LLP

GARDEN CITY CENTER

SUITE 205

100 QUENTIN ROOSEVELT BOULEVARD

GARDEN CITY, NEW YORK 11530

TELEPHONE (516) 794-7500

TELECOPIER (516) 794-1277

DAVID WESTERMANN, JR
JOHN F. HAMILTON
CHRISTOPHER J. SHEEHY
JUDITH A. AYDELOTT
CHRISTOPHER P. KEENAN*
GEORGE F. MACKEY**
PETER S. SAMAAH

CHRISTINE A. GORMSEN
ANDREW F. PISANELLI*
STACEY M. FLEMING
STEPHEN J. GILLESPIE***
ALLISON M. KOURBAGE***

OF COUNSEL
GORDON B. AYDELOTT
LEONARD M. RIDINI, JR.

* ALSO ADMITTED IN CT
** ALSO ADMITTED IN NJ, FL AND D.C.
*** ALSO ADMITTED IN NJ

WHITE PLAINS OFFICE

222 BLOOMINGDALE ROAD
SUITE 308

WHITE PLAINS, NY 10605

TELEPHONE (914) 946-7770
TELECOPIER (914) 946-4587

NEW JERSEY OFFICE

THE COMMONS - SUITE 6
82 EAST ALLENDALE ROAD
SADDLE RIVER, N.J. 07458

TELEPHONE (201) 995-0890
TELECOPIER (201) 934-8681

CONNECTICUT OFFICE

745 POST ROAD
DARIEN, CT 06820

TELEPHONE (203) 661-8977

December 12, 2002

BY FEDERAL EXPRESS

Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Attn: Alva E. Smith

Re: Mr. Nelson DeMille
MUR-5334

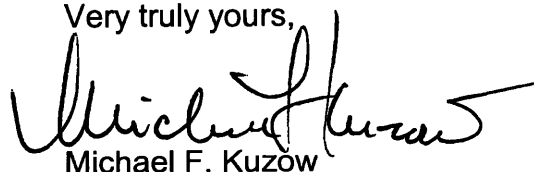
Dear Ms. Smith:

As you know, we represent Mr. Nelson DeMille in the referenced matter.

Enclosed is an original and one copy of Mr. DeMille's affidavit in response to the complaint. Kindly acknowledge receipt of the enclosed by "file" or "date" stamping the copy and returning it in the enclosed self-addressed, postage paid envelope.

Thank you for your courtesy.

Very truly yours,


Michael F. Kuzow

MFK/db

Enclosures

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2002 DEC 13 P 2:25

26044140572

TO: FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
MUR-5334

AFFIDAVIT

NELSON DEMILLE, being duly sworn deposes and says:

1. I am apparently one of the "contributor - respondents" named in the complaint filed by Mary Ellen Mendelsohn of the Friends of Carolyn McCarthy. Ms. Mendelsohn's complaint was filed with the Federal Election Commission on November 14, 2002.

2. I respond to that complaint insofar as it pertains to me. Ms. Mendelsohn alleges that I contributed to the recent Congressional campaign of Marilyn F. O'Grady, an amount "in excess of the \$1,000 contribution limit" set forth in Section 441a. (1) (A) of the Federal Election Campaign Act of 1971. Ms. O'Grady was the Republican candidate for the House of Representatives in New York's 4th Congressional District. The Democratic candidate, Ms. Carolyn McCarthy, was the ultimate winner of that election.

3. On or about October 4, 2002, I indeed contributed \$1,000.00 to Candidate O'Grady. That contribution was made through the Friends of Marilyn F. O'Grady, and was in response to a campaign flyer, a copy of which is annexed hereto as Exhibit "A".

4. Shortly thereafter, I was invited to a reception for Candidate O'Grady at the home of Thomas and Debra Long. A copy of that invitation is also annexed hereto as Exhibit "B".

5. As stated in the invitation, a donation of \$200 was requested by the Long's. I paid \$400 toward this "cover charge" - \$200 was for myself, and \$200 was for my guest Ms. Sandy Dillingham.

6. At the time of this subsequent payment, I did not have the limits of Federal

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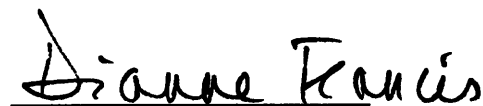
Election Campaign Act of 1971 in mind. I merely thought that the donation was being used by the Long's to defer the costs they incurred in connection with hosting the reception. In other words, I did not connect in my mind the previous "contribution" of \$1,000 and the "donation" for me and a guest at the Long's reception.

7. There was no deliberate or conscious effort by me to evade or circumvent the law, just the payment of a "cover charge" at a cocktail party which I attended with a guest. Thus, I submit that Ms. Mendelsohn's claim of a "blatant and continuous violation of federal law" is a bit overstated.

8. I hope that this response resolves this matter and respectfully request that this complaint be dismissed.


Nelson DeMille

Subscribed and Sworn
to before me this 12 day
of December 2002.


Notary Public

DIANNE FRANCIS
Notary Public, State of New York
No. 4732245 Nassau County
Term Expires 8/31/2005

EXHIBIT A

26044140575

Marilyn
O'GRADY
for Congress
4th District

PMB 162, 734 Franklin Ave., Garden City, NY 11530

Dear Friends:

Just a quick note to keep you posted on the campaign's progress. So far,

we have:

- ✓ Overcome legal challenges from a desperate opponent who sought to remove us from the ballot.
- ✓ Decisively defeated well-funded ex-congressman in two primaries.
- ✓ Three parties (Republican, Conservative and Right to Life) enthusiastically behind us for the final battle.
- ✓ Lined up support from key local and national leaders and organizations to help us defeat Carolyn McCarthy once and for all in November.

In a little over a month,

we will:

- Consolidate our local, state and national organizations in supporting our campaign.
- Run an issue-oriented campaign against our liberal opponent.
- WIN THE ELECTION ON TUESDAY, NOVEMBER 5TH!

Your support has propelled us this far. We need your continuing help to achieve final victory.

Please be generous in contributing to our campaign.

Thank you for your past and future support.

Sincerely,

Marilyn
Marilyn O'Grady

PAID FOR BY FRIENDS OF MARILYN F. O'GRADY



26044140576

EXHIBIT B

26044140577

26044140578

You are cordially invited to
a Cocktail Reception
honoring
Dr. Marilyn F. O'Grady
Republican Candidate
U.S. Congress

October 9, 2002 - 6:30 - 8:30 p.m.

With special guest:

Susan Lucci

at the home of

Debby & Tom Long
26 Cathedral Avenue
Garden City, New York

(516) 326-6670

Donation: \$200

Paid for by Friends of Marilyn F. O'Grady